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VIA CM/ECF

Hon. Judge Ramon E. Reyes, Jr.
United States District Court
225 Cadman Plaza East
Brooklyn NY 11201

RE: Hendy Cohn, individually and on behalf of a class v. New Century Financial Services, Inc.; and Pressler & Pressler, LLP

E.D.N.Y. Case No. 14-CV-2855-RER

Dear Judge Reyes:

I am counsel for the Plaintiff in the above-entitled class action. Pending before Your Honor is Defendants' Motion for Judgment on the Pleadings (Docket No. 20). I am corresponding herein to supplement the record based upon the issuance of two Second Circuit decisions which provides further legal support for the Plaintiffs' opposition to the pending motion. I attach both decisions.

The first decision is *Dimatteo v Sweeney, Gallo, Reich & Bolz*, 2015 WL 4281508 (2nd Cir., July 16, 2015) where the Court held that seeking attorney's fees in a collection action without basis violates Section 1692f of the FDCPA even though the corresponding collection letter did not seek attorney's fees. In our case, the collection letter "sought" monies that were not due; the Defendants do not contest that the monies were not due. While Plaintiff has not alleged that the contents of the complaint in the collection action violate the FDCPA that has no bearing on whether the collection letter violates the FDCPA.

The second decision is *Hart v FCI Lender Services, Inc.*, 2015 WL 4745349 (2nd Cir., Aug. 12, 2015) which supports Plaintiff's position that the letter that is the subject of the Complaint constitutes a "communication" as defined by the FDCPA.

Defendant insinuates that the letter is not a communication. (“Assuming arguendo that the letter in question be construed as a “collection” letter and not merely a transmittal letter” Page 3 of Defendants’ Reply Brief).

I thank the Court for its consideration of this request.

Respectfully Submitted,

___/s Shimshon Wexler

Cc: All Counsel of Record via CM/ECF